

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, JANUARY 12, 2005**

UNAPPROVED
JANUARY 28, 2005

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason District
James R. Hart, Commissioner At-Large
Nancy Hopkins, Dranesville District
Ronald W. Koch, Sully District
Kenneth A. Lawrence, Providence District
Rodney L. Lusk, Lee District
Peter F. Murphy, Jr., Springfield District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Suzanne F. Harsel, Braddock District

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The meeting was called to order at 8:25 p.m. by Chairman Peter F. Murphy, Jr., in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

The Honorable John T. Frey, Clerk of the Circuit Court, performed the swearing-in ceremony for the following Commissioners who were reappointed for January 2005 through December 2008 terms:

- Walter L. Alcorn, Commissioner At-Large; accompanied by his wife, Kristina; son, Ryan; and daughter, Delia.
- Nancy Hopkins, Dranesville District; accompanied by Supervisor Joan DuBois.
- Kenneth A. Lawrence, Providence District; accompanied by Lee District Commissioner Rodney L. Lusk.

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Chairman Murphy welcomed the new Management Analyst II in the Planning Commission Office, Elizabeth Henri Stein McCartney, who was present at the meeting.

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Chairman Murphy reminded Commissioners that the 2005 disclosure forms could be notarized by the Clerk to the Planning Commission, Linda B. Rodeffer, and must be submitted to the Clerk to the Board's Office no later than Tuesday, January 18, 2005.

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Chairman Murphy announced that the Commission would not meet next week but would meet on Wednesday, January 26, 2005, at which time the election of Planning Commission Officers would be held.

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Commissioner Byers MOVED THAT THE DECISION ON S04-CW-T1, OUT-OF-TURN PLAN AMENDMENT, BE FURTHER DEFERRED TO JANUARY 26, 2005, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioners Lusk and Wilson seconded the motion which carried unanimously with Commissioner Harsel absent from the meeting.

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Commissioner Hart MOVED THAT THE PUBLIC HEARING ON THE ZONING ORDINANCE AMENDMENT ON VARIANCE USES BE DEFERRED TO FEBRUARY 2, 2005. He noted that on Monday, January 31, 2005, from 7 to 9 p.m., staff would host a Public Information Session on this proposed amendment in Conference Rooms 4 and 5 of the Government Center.

Commissioners Alcorn and Hopkins seconded the motion which carried unanimously with Commissioner Harsel absent from the meeting.

Commissioner Hart FURTHER MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT DEFER ITS PUBLIC HEARING ON THE ZONING ORDINANCE AMENDMENT TO NO EARLIER THAN FEBRUARY 7, 2005.

Commissioners Hopkins and Lawrence seconded the motion which carried unanimously with Commissioner Harsel absent from the meeting.

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Commissioner de la Fe said that the Transportation Committee had met earlier in the evening to discuss the upcoming changes to the Transportation element of the Policy Plan of the Comprehensive Plan and noted that public meetings would be held beginning in March by County staff.

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Commissioner de la Fe reminded the Commission that the Parks Committee would meet on Thursday, January 13, 2005, at 7:30 p.m. in the Board Conference Room, to review proposed changes to the Parks and Recreation element of the County Policy Plan.

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In the absence of Commissioner Harsel, Commissioner Alcorn announced that the School Facilities Committee would meet on Wednesday, January 26, 2005, at 7:30 p.m. in the Board Conference Room, to continue discussion on the issue of proffer language for contributions from residential developers to Fairfax County schools.

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FS-V04-58 - CINGULAR WIRELESS, Virginia Dominion Power tower near Burning Forest Court

Commissioner Byers MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FS-V04-58.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Harsel absent from the meeting.

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FSA-62-2 - AT&T WIRELESS, 8751 Richmond Highway

Commissioner Byers MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FSA-62-2.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Harsel absent from the meeting.

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FS-S04-56 - CINGULAR WIRELESS, Chapel Oaks Drive

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FS-S04-56.

Commissioners Byers and Lawrence seconded the motion which carried unanimously with Commissioner Harsel absent from the meeting.

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FSA-Y98-8-2 - AT&T WIRELESS, Stringfellow Road/Westbrook Drive

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FSA-Y98-8-2.

Commissioners Lawrence and Byers seconded the motion which carried unanimously with Commissioner Harsel absent from the meeting.

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2232A-P00-5-2 - AT&T WIRELESS SERVICES, INC., I-495 & Route 50 Interchange

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN 2232A-P00-5-2.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Harsel absent from the meeting.

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ORDER OF THE AGENDA

In the absence of Secretary Harsel, Chairman Murphy established the following order of the agenda:

1. SEA 98-M-009-02 - THE MOST REVEREND PAUL S. LOVERDE, BISHOP OF THE CATHOLIC DIOCESE OF ARLINGTON AND HIS SUCCESSORS IN OFFICE
2. FDPA 82-P-069-06-07 - THE PETERSON COMPANIES, LC
FDPA 82-P-069-14-04 - THE PETERSON COMPANIES, LC
3. FDPA 82-P-069-09-07 - THE PETERSON COMPANIES, LC
4. RZ 2004-SU-028 - WEST*GROUP PROPERTIES LLC
SE 2004-SU-027 - WEST*GROUP PROPERTIES LLC
PCA 1999-SU-018 - WEST*GROUP PROPERTIES LLC

This order was accepted without objection.

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SEA 98-M-009-02 - THE MOST REVEREND PAUL S. LOVERDE,
BISHOP OF THE CATHOLIC DIOCESE OF ARLINGTON AND
HIS SUCCESSORS IN OFFICE - Appl. under Sect. 3-304 of the
Zoning Ordinance to amend SE 98-M-009 previously approved for a
church and related facilities, private school of general education and
college to permit building additions and site modifications. Located at
4329 Sano St. on approx. 12.17 ac. of land zoned R-3. Tax Map 72-2
((1)) 21. MASON DISTRICT. PUBLIC HEARING.

Lynne J. Strobel, Esquire, with Walsh, Colucci, Lubeley, Emrich & Terpak, PC, reaffirmed the affidavit dated December 1, 2004. There were no disclosures by Commission members.

Aaron Shriber, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

Ms. Strobel explained that the proposed renovations to the Queen of Apostles Catholic Church's main building would include construction of new internal and external gathering spaces, a gift shop, restrooms, and space for mechanical equipment. She noted that the proposal would not intensify any of the existing uses and the proposed 0.13 floor area ratio was well within the limitations permitted for non-residential uses in an R-3 District. Ms. Strobel said that the proposal would also involve minor site modifications associated with the building addition and the reconfiguring of the passenger pick-up and drop-off area in order to construct 14 additional parking spaces. In conclusion, she noted that the Mason District Land Use Committee had recommended approval of the application.

There being no speakers for this application, Chairman Murphy noted that a rebuttal statement was not necessary.

Commissioner Hall noted that the revised development conditions dated January 3, 2005, included two minor changes: Condition Number 16 required that the existing turn-around area be maintained and Condition Number 17 had been deleted because the fire hydrant had already been relocated per the approval of the previous Special Exception Amendment.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore Chairman Murphy closed the public hearing and recognized Commissioner Hall for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 98-M-009-2, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED JANUARY 3, 2005.

Commissioners de la Fe and Hopkins seconded the motion which carried unanimously with Commissioner Harsel absent from the meeting.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT AND A WAIVER OF THE BARRIER REQUIREMENTS ALONG THE SOUTHERN, EASTERN, AND WESTERN PROPERTY BOUNDARIES.

Commissioners Hopkins and Alcorn seconded the motion which carried unanimously with Commissioner Harsel absent from the meeting.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS A WAIVER OF THE INTERIOR PARKING LOT LANDSCAPING REQUIREMENTS AND A MODIFICATION OF THE PERIPHERAL PARKING LOT LANDSCAPING REQUIREMENT.

Commissioners Hopkins and de la Fe seconded the motion which carried unanimously with Commissioner Harsel absent from the meeting.

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The next two public hearings were in the Springfield District; therefore, Chairman Murphy relinquished the Chair to Vice Chairman Byers.

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FDPA 82-P-069-14-04 - THE PETERSON COMPANIES, LC - Appl. to amend the fourteenth final development plan for FDP 82-P-069 to permit additional retail square footage and site modifications. Located on the S. side of Fair Lakes Cir., approx. 500 ft. S.W. of Fair Lakes Pkwy. on approx. 1.45 ac. of land zoned PDC and WS. Tax Map 55-2 ((1)) 14B1 pt. (Concurrent with FDPA 82-P-069-06-07.)
SPRINGFIELD DISTRICT.

FDPA 82-P-069-06-07 - THE PETERSON COMPANIES, LC - Appl. to amend the sixth final development plan for FDP 82-P-069 to permit additional retail square footage, site modifications and reduction of office space. Located on the S. side of Fair Lakes Cir., approx. 500 ft. S.W. of Fair Lakes Pkwy. on approx. 14.23 ac. of land zoned PDC and WS. Tax Map 55-2 ((1)) 14B1 pt., 14B2 and 14B3. (Concurrent with FDPA 82-P-069-14-04.)
SPRINGFIELD DISTRICT. JOINT PUBLIC HEARING.

Francis A. McDermott, Esquire, with Hunton & Williams, reaffirmed the affidavit dated January 3, 2005. Commissioner Hart disclosed that although his law firm, Hart & Horan, PC, had a case pending with Mr. McDermott's law firm, there was no financial relationship and it would not affect his ability to participate in these cases.

William Mayland, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of FDPA 82-P-069-14-04, but recommended denial of FDPA 82-P-069-06-07 because the proposed 10,880 square foot retail building would not be located in an area that was complementary to the existing and proposed retail.

Mr. McDermott stated that FDPA 82-P-069-14-04, which had the approval of staff, proposed the addition of 11,000 square feet for a Whole Foods Grocery store in the eastern portion of the Fair Lakes Land Bay. He said staff recommended that FDPA 82-P-069-06-07, which proposed a 10,880 square foot retail building on the western portion, be denied because it would not be sufficiently integrated with the existing Kohls and Galyans retail stores. He explained that the applicant disagreed with staff, noting that the proposed architectural treatment would be complementary to the existing retail and that the middle of the store fronts would be directly aligned with the sidewalk along East Market Drive. Mr. McDermott requested that Development Condition Number 4 be revised to allow up to one-third of the facade to be composed of an exterior insulation finishing system, known as EIFS, consistent with the Kohls building. He also requested that Development Condition Number 8 be revised to permit a walk-up automatic teller machine.

There being no speakers for these applications, Vice Chairman Byers noted that a rebuttal statement was not necessary. There were no comments or questions from the Commission and staff had no closing remarks; therefore he closed the public hearing and recognized Commissioner Murphy for action on these items. (A verbatim excerpt is in the date file.)

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION DEFER DECISION ON FDPA 82-P-069-14-4 AND FDPA 82-P-069-06-7, TO A DATE CERTAIN OF JANUARY 26TH, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioner Harsel absent from the meeting.

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FDPA 82-P-069-09-07 - THE PETERSON COMPANIES, LC - Appl.
to amend the ninth final development plan for FDP 82-P-069 to permit building additions and site modifications. Located on the S. side of Shoppes La. approximately 200 ft. S. of Fair Lakes Pkwy. and

approximately 400 ft. E. of Fair Lakes Ci. on approx. 2.85 ac. of land zoned PDC and WS. Tax Map 55-2 ((5)) A1. SPRINGFIELD DISTRICT. PUBLIC HEARING.

Francis A. McDermott, Esquire, with Hunton & Williams, reaffirmed the affidavit dated January 3, 2005. Commissioner Hart disclosed that although his law firm, Hart & Horan, PC, had a case pending with Mr. McDermott's law firm, there was no financial relationship and it would not affect his ability to participate in this case.

Commissioner Murphy asked that Vice Chairman Byers ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed; therefore Vice Chairman Byers closed the public hearing and recognized Commissioner Murphy for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION APPROVE FDP 82-P-069-09-7, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 12, 2005.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioner Harsel absent from the meeting.

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At the conclusion of this case, Chairman Murphy resumed the Chair.

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RZ 2004-SU-028 - WEST*GROUP PROPERTIES LLC - Appl. to rezone from I-5, WS and AN to C-8, WS and AN to permit commercial use with an overall Floor Area Ratio (FAR) of 0.30. Located on the W. side of Stonecroft Blvd., approx. 1,500 ft. S. of Lee Jackson Memorial Hwy. and N. and S. of Stonecroft Ct. on approx. 26.77 ac. of land. Comp. Plan Rec: Industrial and Public Park. Tax Map 33-4 ((1)) 3B and 3G. (Concurrent with SE 2004-SU-027 and PCA 1999-SU-018.) SULLY DISTRICT.

SE 2004-SU-027 - WEST*GROUP PROPERTIES LLC - Appl. under Sects. 4-804 and 9-620 of the Zoning Ordinance to permit vehicle sale, rental and ancillary service establishments and waiver of certain sign regulations. Located on the W. side of Stonecroft Blvd., approx. 1,500 ft. S. of Lee Jackson Memorial Hwy. and N. and S. of Stonecroft Ct. on approx. 26.77 ac. of land zoned C-8, AN and WS. Tax Map 33-4

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PCA 1999-SU-018 - WEST*GROUP PROPERTIES LLC

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((1)) 3B and 3G. (Concurrent with RZ 2004-SU-028 and PCA 1999-SU-018.) SULLY DISTRICT.

PCA 1999-SU-018 - WEST*GROUP PROPERTIES LLC - Appl. to amend the proffers for RZ 1999-SU-018 previously approved for industrial development at a Floor Area Ratio (FAR) of .35, to permit a reduction in land area to allow 26.77 ac. to be rezoned per RZ 2004-SU-028. Located on the W. side of Stonecroft Blvd., approx. 1,500 ft. S. of Lee Jackson Memorial Hwy. on approx. 46.97 ac. of land zoned I-5, AN and WS. Comp. Plan Rec: Industrial and Public Park. Tax Map 33-4 ((1)) 3B, 3C, 3D1, 3F and 3G. (Concurrent with RZ 2004-SU-028 and SE 2004-SU-027.) SULLY DISTRICT. JOINT PUBLIC HEARING.

Thomas D. Fleury, Senior Vice President of Development Services for West*Group Management LLC, reaffirmed the affidavit dated December 20, 2004, for PCA 1999-SU-018 and the affidavits dated December 10, 2004, for RZ 2004-SU-028 and SE 2004-SU-027. There were no disclosures by Commission members.

Kristen Crookshanks, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended denial of the applications because they were not in conformance with the Comprehensive Plan and the Zoning Ordinance, which required the site to be a minimum of 50 acres and provide a unified development plan with the existing auto park.

In response to a question from Commissioner Koch, Kristen Abrahamson, ZED, DPZ, said that the proposed auto park was contiguous with the existing auto park, but that it had not been functionally integrated.

Responding to questions from Commissioner Hall, Ms. Abrahamson explained that the applications inadequately addressed physical, architectural, and functional integration with the existing park.

Responding to further questions from Commissioner Wilson, Ms. Abrahamson stated that the intent of the original Plan language was for one auto park to be at least 50 acres, but that the applications had successfully addressed all other issues associated with the park.

Mr. Fleury noted that the applicant's position on these applications had been outlined in detail in a letter to the Commission dated January 5, 2005, a copy of which is in the date file. He stated that the only issue associated with the proposed development was whether or not the addition of the subject 27-acre property to the existing 57 acres met the 50-acre minimum standard set forth in the Comprehensive Plan for an auto park. He said the applicant thought that it did and would, in fact, create an 80 acre auto park.

Mr. Fleury pointed out that a grove of willow oak trees, which the applicant had gone to a great deal of trouble to save, would separate this project from the existing Chantilly/Dulles auto park, thus creating a natural screen. He explained that after the architectural drawings of the first dealership had been reviewed by the Western Fairfax County Citizens Association (WFCCA) and Sully District Supervisor Michael R. Frey, the standard would be established for the other three dealerships, thereby unifying the development. He indicated that no ancillary services had been established to date; therefore, the integration of such uses within the park did not exist. Mr. Fleury referred to his handout distributed this evening which compared the current I-5 zoning to the proposed C-8 zoning, a copy of which is in the date file. He concluded that the applicant felt very strongly that the proposal was not a 27-acre or an under 50-acre auto park, but another phase of the originally approved 100-acre park.

In reference to the proffers, Commissioner Hart suggested that on page 7, under 8(c), "Western Fairfax Citizens Association" should be changed to "Western Fairfax County Citizens Association" and a period be inserted at the end of the last sentence. Mr. Fleury concurred.

Commissioner Hart further suggested that language be added to the proffers specifying that a chain link fence would not be permitted.

Chairman Murphy called for speakers from the audience and recited the rules for public testimony.

Jeffrey A. Huber, Esquire, with Walton & Adams, PC, speaking on behalf of AJB Associates, Inc., the developer of the adjacent auto park, expressed opposition to the applications because they were not in accordance with the Comprehensive Plan. He noted that AJB had voiced their concerns and objections in a letter to staff dated November 15, 2004, a copy of which is in the date file.

In response to a question from Commissioner Koch, Mr. Huber acknowledged that he agreed with staff's interpretation of the Comprehensive Plan. Commissioner Koch indicated his belief that approval of the initial auto park, under one owner, had been a mistake.

Ms. Abrahamson responded to questions from Commissioners Byers and Hall regarding integration of the proposed development with the existing development and about staff's interpretation of the Plan as it pertained to these applications.

Commissioner Koch indicated that Development Condition Number 4 had been revised stating that a berm with a hedge on top would be provided instead of a wall running along Stonecroft Boulevard.

There being no further speakers for these applications, Chairman Murphy called for a rebuttal statement from Mr. Fleury.

RZ 2004-SU-028 - WEST*GROUP PROPERTIES LLC
SE 2004-SU-027 - WEST*GROUP PROPERTIES LLC
PCA 1999-SU-018 - WEST*GROUP PROPERTIES LLC

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Mr. Fleury stated that when he had become aware of AJB's opposition to the proposed development he had requested that they contact him, but had received no response.

Commissioner Lawrence stated that the proposed park would generate fewer trips than the approved use even though drivers might be forced out onto the road because there was no internal connection. Ms. Abrahamson concurred.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore Chairman Murphy closed the public hearing and recognized Commissioner Koch for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 1999-SU-018, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED DECEMBER 27, 2004.

Commissioners Byers, Wilson, and Hart seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioner Harsel absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2004-SU-028, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JANUARY 11, 2005.

Commissioners Byers, Wilson, and Hart seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioner Harsel absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2004-SU-027, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 5, 2005.

Commissioners Byers, Wilson, and Hart seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioner Harsel absent from the meeting.

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CLOSING

January 12, 2005

The meeting was adjourned at 9:55 p.m.

Peter F. Murphy, Jr., Chairman

Suzanne F. Harsel, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office,
12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Kara A. DeArrastia

Approved on: _____

Linda B. Rodeffer, Clerk to the
Fairfax County Planning Commission